

IN THE MATTER OF * **BEFORE THE**
LAKIRA WHITAKER, PHARM TECH * **STATE BOARD**
Registration No.: T08517 * **OF**
Respondent * **PHARMACY**
* **Case No. : PT-15-023**

* * * * *

**FINAL ORDER OF REVOCATION
OF PHARMACY TECHNICIAN'S REGISTRATION**

On March 16, 2016, the State Board of Pharmacy (the "Board"), notified **LAKIRA WHITAKER**, Pharmacy Technician (Pharm Tech), the Respondent, of its Intent to Revoke her pharmacy technician registration.

The Notice also informed the Respondent that, unless she requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than 30 days have elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The basis for the Board's action was pursuant to State Gov't Code Ann. ("S.G.") § 10-226 (c) (1) (2014 Repl. Vol. II), and the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 12-101 *et seq.* (2014 Repl. Vol. II).

The relevant provisions are as follows:

S.G. § 10-226:

(c) (1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

- (i) written notice of the facts that warrant suspension or revocation;
- and
- (ii) an opportunity to be heard.

H.O. § 12-6B-09. Grounds for reprimand or denial, probation, suspension, or revocation of registration.

Subject to the hearing provision of § 12-315 of this title, the Board may deny a pharmacy technician's registration to any applicant, reprimand a registered pharmacy technician, place any pharmacy technician's registration on probation, or suspend or revoke a pharmacy technician's registration if the applicant or pharmacy technician registrant:

- (22) Pleaded guilty or nolo contendere to, or has been found guilty of, a felony or a crime involving moral turpitude, regardless of whether:
 - (i) An adjudication of guilt or sentencing or imposition of sentence is withheld; or
 - (ii) Any appeal or other proceeding is pending regarding the matter [;].

**FACTS THAT WARRANT
THE REVOCATION OF THE RESPONDENT'S REGISTRATION**

1. At all times relevant hereto, the Respondent was registered as a Pharm Tech. The Respondent was first registered on January 25, 2011. The Respondent's registration expired on June 30, 2016.

2. At all times relevant hereto, the Respondent worked as a Pharm Tech for a National chain pharmacy located in Baltimore County, hereinafter "Pharmacy A".

3. On or about May 29, 2015, the Board received information from Pharmacy A regarding an initial notification of controlled substance theft or loss. Specifically, an employee was found with generic Tylenol #3 during a bag check, Subsequently, the Board received the following information regarding the loss/theft:

- A. On May 29, 2015, the store manager of Pharmacy A called the Baltimore County Police Department regarding a theft;

- B. The responding Officer was told by the manager that when she searched the Respondent's pocketbook she found a bottle of Tylenol #3, 300 mg/30mg¹.
- C. The manager found a large amount of prescription medications in the Respondent's coin purse as follows:

(1)	Clonazepam, 2 mg ²	91 tablets;
(2)	Lorazepam, 2mg ³	41 tablets;
(3)	Tylenol #3 with. Codeine 300/30	15 tablets;
(4)	Diazepam ⁴ , 10 mg	45 tablets;
(5)	Tylenol #3 w/codeine 300 mg/30mg	48 tablets;
(6)	Alprazolam, 2 mg ⁵	1 tablet;
(7)	Lorazepam, .05 mg	1 tablet.

- D. The Officer requested assistance from the detectives of the Narcotics Unit. A detective of that Unit arrived and asked the Respondent if he could interview her to which she consented. The following information was gathered from the interview:

¹Tylenol #3, with codeine in the generic form is composed of acetaminophen, codeine and caffeine. Acetaminophen belongs to the group of medications called *analgesics* (pain relievers) and *antipyretics* (fever reducers). Codeine belongs to the group of medications called *narcotic analgesics*. Caffeine belongs to the group of medications called *stimulants*. This combination of medications is used to treat mild-to-moderate pain associated with conditions such as headache, dental pain, muscle pain, painful menstruation, pain following an accident, and pain following operations.

²Clonazepam treats seizures, panic disorder, and anxiety.

³Lorazepam treats anxiety, anxiety with depression, and insomnia (trouble sleeping). This medicine is a benzodiazepine.

⁴Diazepam treats anxiety, muscle spasms, seizures, and other medical conditions. This medicine is a benzodiazepine

⁵Alprazolam treats anxiety and panic disorder.

- (1) The Respondent claimed that she was dealing with stressful issues in her life, and started self-medicating with pills given to her by her friends;
- (2) The Respondent stated that, as a result, she started stealing pills from Pharmacy A;
- (3) The Respondent stated that the thefts began a month ago, with the first theft being a 100-count bottle of Lorazepam;
- (4) The Respondent was not sure how many types and amounts of pills she stole, but remembered Clonidine⁶ and Xanax⁷;
- (5) The Respondent claimed that she consumed some of the stolen drugs to help her deal with issues she was having.

E. The CDS that the Respondent stole had a street value from \$1437-\$3050;

F. The Respondent signed a promissory note to Pharmacy A for \$128.45;

G. The Respondent was terminated from employment with Pharmacy A on May 29, 2015.

⁶Clonidine treats high blood [pressure, A lower blood pressure can reduce the risk of strokes and heart attacks. It also treats attention-deficit hyperactivity disorder (ADHD), and belongs to a class of drugs called antihypertensives.

⁷Xanax, also known as Alprazolam, is used to treat anxiety and panic disorder.

- H. The Respondent was arrested and charged in the District Court of Maryland for Baltimore County with several theft and drug charges;
- I. Subsequently, the Respondent was indicted in the Circuit Court of Maryland for Baltimore County for 12 counts, including CDS possession, theft scheme and theft.

4. Based upon the above, on July 30, 2015, the Board issued a Summary Suspension of the Respondent's registration. The Respondent failed to request a hearing.

5. On January 27, 2016, the Respondent pled guilty to Theft-Scheme: \$100 to under \$10,000. She received a Probation Before Judgment (PBJ) and was ordered to complete drug/alcohol treatment. All items seized were to be forfeited.

6. By pleading guilty to a crime of moral turpitude, the Respondent violated § 12-6B-09 (22) (1) and (2) of the Act.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §12-6B-09 (22) of its Act.

ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **LAKIRA WHITAKER**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§4-101 *et seq.* (2014 Vol.).

NOTICE OF RIGHT OF APPEAL

In accordance with § 12-316 of the Act and the SG. §§ 10-201, *et seq.*, you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the aforesaid authority.

August 10, 2017
Date

Mitra W. St. Cyr II (for)
Mitra Gavgani, Pharm. D., President
Board of Pharmacy